

**BOARD OF EQUALIZATION**

**CIGARETTE AND TOBACCO PRODUCTS TAX REGULATIONS**

**Regulation 4080. INTERSTATE AND FOREIGN COMMERCE.**

*Reference:* Section 30008, Revenue and Taxation Code.

The tax does not apply to sales of cigarettes or tobacco products which are:

**(a)** Shipped to a point outside this State, pursuant to a contract of sale, by delivery by the seller to such point by means of:

- (1) facilities operated by the seller;
- (2) delivery by the seller to a carrier for shipment to a consignee at such point; or
- (3) delivery by the seller to a customs broker or forwarding agent for shipment outside this State.

**(b)** Sold to a foreign purchaser for shipment abroad and delivered to a ship, airplane, or other conveyance furnished by the purchaser for the purpose of carrying the cigarettes or tobacco products abroad and actually carried to a foreign destination.

**(c)** Sold for use solely outside this State and delivered to a forwarding agent, export packer, or other person engaged in the business of preparing goods for export or arranging for their exportation, and actually delivered to a port outside the continental limits of the United States.

Bills of lading or other documentary evidence of the delivery of the cigarettes or tobacco products to a carrier, customs broker or forwarding agent for shipments outside the State must be retained by the distributor for inspection by employees of the board. In the case of cigarettes or tobacco products for foreign export, copies of United States Customs shippers' export declarations filed with the Collector of Customs or other documentary evidence of export must be obtained and retained. The tax applies to the transaction if the cigarettes or tobacco products are diverted in transit or for any reason are not actually delivered outside the State pursuant to the contract of sale or are not shipped abroad by a foreign purchaser, regardless of documentary evidence held by the distributor.

*History:* Adopted June 24, 1959.

Amended September 26, 2001, effective February 15, 2002. Added references to tobacco products.